

SENATE, No. 606

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

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District 14 (Mercer and Middlesex)

SYNOPSIS

Encourages local units to plan for electric vehicle charging infrastructure.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT encouraging local units to plan for electric vehicle
2 charging infrastructure, and amending P.L.1975, c.291, and
3 P.L.1992, c.79.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
9 read as follows:

10 19. Preparation; contents; modification.

11 a. The planning board may prepare and, after public hearing,
12 adopt or amend a master plan or component parts thereof, to guide
13 the use of lands within the municipality in a manner which protects
14 public health and safety and promotes the general welfare.

15 b. The master plan shall generally comprise a report or
16 statement and land use and development proposals, with maps,
17 diagrams and text, presenting, at least the following elements (1)
18 and (2) and, where appropriate, the following elements (3) through
19 (16):

20 (1) A statement of objectives, principles, assumptions, policies
21 and standards upon which the constituent proposals for the physical,
22 economic and social development of the municipality are based;

23 (2) A land use plan element

24 (a) taking into account and stating its relationship to the
25 statement provided for in paragraph (1) hereof, and other master
26 plan elements provided for in paragraphs (3) through (14) hereof
27 and natural conditions, including, but not necessarily limited to,
28 topography, soil conditions, water supply, drainage, flood plain
29 areas, marshes, and woodlands;

30 (b) showing the existing and proposed location, extent and
31 intensity of development of land to be used in the future for varying
32 types of residential, commercial, industrial, agricultural,
33 recreational, open space, educational and other public and private
34 purposes or combination of purposes including any provisions for
35 cluster development; and stating the relationship thereof to the
36 existing and any proposed zone plan and zoning ordinance;

37 (c) showing the existing and proposed location of any airports
38 and the boundaries of any airport safety zones delineated pursuant
39 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
40 80 et al.);

41 (d) including a statement of the standards of population density
42 and development intensity recommended for the municipality; and

43 (e) showing the existing and proposed location of military
44 facilities and incorporating strategies to minimize undue
45 encroachment upon, and conflicts with, military facilities, including

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 but not limited to: limiting heights of buildings and structures
2 nearby flight paths or sight lines of aircraft; buffering residential
3 areas from noise associated with a military facility; and allowing for
4 the potential expansion of military facilities;

5 (f) showing the existing and proposed location of public electric
6 vehicle charging infrastructure.

7 (3) A housing plan element pursuant to section 10 of P.L.1985,
8 c.222 (C.52:27D-310), including, but not limited to, residential
9 standards and proposals for the construction and improvement of
10 housing;

11 (4) A circulation plan element showing the location and types of
12 facilities for all modes of transportation required for the efficient
13 movement of people and goods into, about, and through the
14 municipality, taking into account the functional highway
15 classification system of the Federal Highway Administration **[and]**,
16 the types, locations, conditions and availability of existing and
17 proposed transportation facilities, including air, water, road and rail,
18 and identifying existing and proposed locations for public electric
19 vehicle charging infrastructure;

20 (5) A utility service plan element analyzing the need for and
21 showing the future general location of water supply and distribution
22 facilities, drainage and flood control facilities, sewerage and waste
23 treatment, solid waste disposal and provision for other related
24 utilities, and including any storm water management plan required
25 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
26 a municipality prepares a utility service plan element as a condition
27 for adopting a development transfer ordinance pursuant to
28 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
29 element shall address the provision of utilities in the receiving zone
30 as provided thereunder;

31 (6) A community facilities plan element showing the existing
32 and proposed location and type of educational or cultural facilities,
33 historic sites, libraries, hospitals, firehouses, police stations and
34 other related facilities, including their relation to the surrounding
35 areas;

36 (7) A recreation plan element showing a comprehensive system
37 of areas and public sites for recreation;

38 (8) A conservation plan element providing for the preservation,
39 conservation, and utilization of natural resources, including, to the
40 extent appropriate, energy, open space, water supply, forests, soil,
41 marshes, wetlands, harbors, rivers and other waters, fisheries,
42 endangered or threatened species wildlife and other resources, and
43 which systemically analyzes the impact of each other component
44 and element of the master plan on the present and future
45 preservation, conservation and utilization of those resources;

46 (9) An economic plan element considering all aspects of
47 economic development and sustained economic vitality, including
48 (a) a comparison of the types of employment expected to be

- 1 provided by the economic development to be promoted with the
2 characteristics of the labor pool resident in the municipality and
3 nearby areas and (b) an analysis of the stability and diversity of the
4 economic development to be promoted;
- 5 (10) An historic preservation plan element: (a) indicating the
6 location and significance of historic sites and historic districts; (b)
7 identifying the standards used to assess worthiness for historic site
8 or district identification; and (c) analyzing the impact of each
9 component and element of the master plan on the preservation of
10 historic sites and districts;
- 11 (11) Appendices or separate reports containing the technical
12 foundation for the master plan and its constituent elements;
- 13 (12) A recycling plan element which incorporates the State
14 Recycling Plan goals, including provisions for the collection,
15 disposition and recycling of recyclable materials designated in the
16 municipal recycling ordinance, and for the collection, disposition
17 and recycling of recyclable materials within any development
18 proposal for the construction of 50 or more units of single-family
19 residential housing or 25 or more units of multi-family residential
20 housing and any commercial or industrial development proposal for
21 the utilization of 1,000 square feet or more of land;
- 22 (13) A farmland preservation plan element, which shall include:
23 an inventory of farm properties and a map illustrating significant
24 areas of agricultural land; a statement showing that municipal
25 ordinances support and promote agriculture as a business; and a
26 plan for preserving as much farmland as possible in the short term
27 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
28 1 et al.) through a variety of mechanisms including, but not limited
29 to, utilizing option agreements, installment purchases, and
30 encouraging donations of permanent development easements;
- 31 (14) A development transfer plan element which sets forth the
32 public purposes, the locations of sending and receiving zones and
33 the technical details of a development transfer program based on the
34 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);
- 35 (15) An educational facilities plan element which incorporates
36 the purposes and goals of the "long-range facilities plan" required to
37 be submitted to the Commissioner of Education by a school district
38 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4);
- 39 (16) A green buildings and environmental sustainability plan
40 element, which shall provide for, encourage, and promote the
41 efficient use of natural resources and the installation and usage of
42 renewable energy systems; consider, encourage and promote the
43 development of public electric vehicle charging infrastructure in
44 appropriate locations, including but not limited to, commercial
45 districts and areas proximate to public transportation facilities and
46 transportation corridors; consider the impact of buildings on the
47 local, regional and global environment; allow ecosystems to
48 function naturally; conserve and reuse water; treat storm water on-

1 site; and optimize climatic conditions through site orientation and
2 design.

3 c. The master plan and its plan elements may be divided into
4 subplans and subplan elements projected according to periods of
5 time or staging sequences.

6 d. The master plan shall include a specific policy statement
7 indicating the relationship of the proposed development of the
8 municipality, as developed in the master plan to (1) the master plans
9 of contiguous municipalities, (2) the master plan of the county in
10 which the municipality is located, (3) the State Development and
11 Redevelopment Plan adopted pursuant to the "State Planning Act,"
12 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
13 and (4) the district solid waste management plan required pursuant
14 to the provisions of the "Solid Waste Management Act," P.L.1970,
15 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
16 located.

17 In the case of a municipality situated within the Highlands
18 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
19 master plan shall include a specific policy statement indicating the
20 relationship of the proposed development of the municipality, as
21 developed in the master plan, to the Highlands regional master plan
22 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
23 (cf: P.L.2016, c.21, s.4)
24

25 2. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to
26 read as follows:

27 76. Periodic examination. The governing body shall, at least
28 every 10 years, provide for a general reexamination of its master
29 plan and development regulations by the planning board, which
30 shall prepare and adopt by resolution a report on the findings of
31 such reexamination, a copy of which report and resolution shall be
32 sent to the Office of Planning Advocacy and the county planning
33 board. A notice that the report and resolution have been prepared
34 shall be sent to any military facility commander who has registered
35 with the municipality pursuant to section 1 of P.L.2005, c.41
36 (C.40:55D-12.4) and to the municipal clerk of each adjoining
37 municipality, who may request a copy of the report and resolution
38 on behalf of the military facility or municipality. A reexamination
39 shall be completed at least once every 10 years from the previous
40 reexamination.

41 a. The major problems and objectives relating to land
42 development in the municipality at the time of the adoption of the
43 last reexamination report.

44 b. The extent to which such problems and objectives have been
45 reduced or have increased subsequent to such date.

46 c. The extent to which there have been significant changes in
47 the assumptions, policies, and objectives forming the basis for the
48 master plan or development regulations as last revised, with

1 particular regard to the density and distribution of population and
2 land uses, housing conditions, circulation, conservation of natural
3 resources, energy conservation, collection, disposition, and
4 recycling of designated recyclable materials, and changes in State,
5 county and municipal policies and objectives.

6 d. The specific changes recommended for the master plan or
7 development regulations, if any, including underlying objectives,
8 policies and standards, or whether a new plan or regulations should
9 be prepared.

10 e. The recommendations of the planning board concerning the
11 incorporation of redevelopment plans adopted pursuant to the
12 "Local Redevelopment and Housing Law," P.L.1992, c.79
13 (C.40A:12A-1 et al.) into the land use plan element of the municipal
14 master plan, and recommended changes, if any, in the local
15 development regulations necessary to effectuate the redevelopment
16 plans of the municipality.

17 f. The recommendations of the planning board concerning
18 locations appropriate for the development of public electric vehicle
19 infrastructure, including but not limited to, commercial districts and
20 areas proximate to public transportation facilities and transportation
21 corridors; and recommended changes, if any, in the local
22 development regulations necessary or appropriate for the
23 development of public electric vehicle infrastructure.

24 (cf: P.L.2016, c.21, s.6)

25
26 3. Section 7 of P.L.1992, c.79 (C.40A:12A-7) is amended to
27 read as follows:

28 7. a. No redevelopment project shall be undertaken or carried
29 out except in accordance with a redevelopment plan adopted by
30 ordinance of the municipal governing body, upon its finding that the
31 specifically delineated project area is located in an area in need of
32 redevelopment or in an area in need of rehabilitation, or in both,
33 according to criteria set forth in section 5 or section 14 of P.L.1992,
34 c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

35 The redevelopment plan shall include an outline for the planning,
36 development, redevelopment, or rehabilitation of the project area
37 sufficient to indicate:

38 (1) Its relationship to definite local objectives as to appropriate
39 land uses, density of population, the development of public electric
40 vehicle charging infrastructure in appropriate locations, and
41 improved traffic and public transportation, public utilities,
42 recreational and community facilities and other public
43 improvements.

44 (2) Proposed land uses and building requirements in the project
45 area.

46 (3) Adequate provision for the temporary and permanent
47 relocation, as necessary, of residents in the project area, including
48 an estimate of the extent to which decent, safe and sanitary dwelling

1 units affordable to displaced residents will be available to them in
2 the existing local housing market.

3 (4) An identification of any property within the redevelopment
4 area which is proposed to be acquired in accordance with the
5 redevelopment plan.

6 (5) Any significant relationship of the redevelopment plan to (a)
7 the master plans of contiguous municipalities, (b) the master plan of
8 the county in which the municipality is located, and (c) the State
9 Development and Redevelopment Plan adopted pursuant to the
10 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

11 (6) As of the date of the adoption of the resolution finding the
12 area to be in need of redevelopment, an inventory of all housing
13 units affordable to low and moderate income households, as defined
14 pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to
15 be removed as a result of implementation of the redevelopment
16 plan, whether as a result of subsidies or market conditions, listed by
17 affordability level, number of bedrooms, and tenure.

18 (7) A plan for the provision, through new construction or
19 substantial rehabilitation of one comparable, affordable replacement
20 housing unit for each affordable housing unit that has been
21 occupied at any time within the last 18 months, that is subject to
22 affordability controls and that is identified as to be removed as a
23 result of implementation of the redevelopment plan. Displaced
24 residents of housing units provided under any State or federal
25 housing subsidy program, or pursuant to the "Fair Housing Act,"
26 P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to
27 be eligible, shall have first priority for those replacement units
28 provided under the plan; provided that any such replacement unit
29 shall not be credited against a prospective municipal obligation
30 under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et
31 al.), if the housing unit which is removed had previously been
32 credited toward satisfying the municipal fair share obligation. To
33 the extent reasonably feasible, replacement housing shall be
34 provided within or in close proximity to the redevelopment area. A
35 municipality shall report annually to the Department of Community
36 Affairs on its progress in implementing the plan for provision of
37 comparable, affordable replacement housing required pursuant to
38 this section.

39 b. A redevelopment plan may include the provision of
40 affordable housing in accordance with the "Fair Housing Act,"
41 P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of
42 the municipal master plan.

43 c. The redevelopment plan shall describe its relationship to
44 pertinent municipal development regulations as defined in the
45 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).
46 The redevelopment plan shall supersede applicable provisions of the
47 development regulations of the municipality or constitute an
48 overlay zoning district within the redevelopment area. When the

1 redevelopment plan supersedes any provision of the development
2 regulations, the ordinance adopting the redevelopment plan shall
3 contain an explicit amendment to the zoning district map included
4 in the zoning ordinance. The zoning district map as amended shall
5 indicate the redevelopment area to which the redevelopment plan
6 applies. Notwithstanding the provisions of the "Municipal Land
7 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no
8 notice beyond that required for adoption of ordinances by the
9 municipality shall be required for the hearing on or adoption of the
10 redevelopment plan or subsequent amendments thereof.

11 d. All provisions of the redevelopment plan shall be either
12 substantially consistent with the municipal master plan or designed
13 to effectuate the master plan; but the municipal governing body may
14 adopt a redevelopment plan which is inconsistent with or not
15 designed to effectuate the master plan by affirmative vote of a
16 majority of its full authorized membership with the reasons for so
17 acting set forth in the redevelopment plan.

18 e. Prior to the adoption of a redevelopment plan, or revision or
19 amendment thereto, the planning board shall transmit to the
20 governing body, within 45 days after referral, a report containing its
21 recommendation concerning the redevelopment plan. This report
22 shall include an identification of any provisions in the proposed
23 redevelopment plan which are inconsistent with the master plan and
24 recommendations concerning these inconsistencies and any other
25 matters as the board deems appropriate. The governing body, when
26 considering the adoption of a redevelopment plan or revision or
27 amendment thereof, shall review the report of the planning board
28 and may approve or disapprove or change any recommendation by a
29 vote of a majority of its full authorized membership and shall
30 record in its minutes the reasons for not following the
31 recommendations. Failure of the planning board to transmit its
32 report within the required 45 days shall relieve the governing body
33 from the requirements of this subsection with regard to the pertinent
34 proposed redevelopment plan or revision or amendment thereof.
35 Nothing in this subsection shall diminish the applicability of the
36 provisions of subsection d. of this section with respect to any
37 redevelopment plan or revision or amendment thereof.

38 f. The governing body of a municipality may direct the
39 planning board to prepare a redevelopment plan or an amendment
40 or revision to a redevelopment plan for a designated redevelopment
41 area. After completing the redevelopment plan, the planning board
42 shall transmit the proposed plan to the governing body for its
43 adoption. The governing body, when considering the proposed
44 plan, may amend or revise any portion of the proposed
45 redevelopment plan by an affirmative vote of the majority of its full
46 authorized membership and shall record in its minutes the reasons
47 for each amendment or revision. When a redevelopment plan or
48 amendment to a redevelopment plan is referred to the governing

1 body by the planning board under this subsection, the governing
2 body shall be relieved of the referral requirements of subsection e.
3 of this section.

4 (cf: P.L.2008, c.46, s.2)

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6 4. This act shall take effect immediately.

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8
9 STATEMENT

10
11 This bill would encourage municipalities to plan for the
12 development of electric vehicle charging infrastructure at
13 appropriate locations. New Jersey's Energy Master Plan
14 encourages the greater use of electric vehicles (EVs) by improving
15 and expanding the EV charging infrastructure needed throughout
16 New Jersey. A report of the New Jersey Energy Master Plan
17 Alternative Fuels Work Group identified the development,
18 installation, and maintenance of EV charging infrastructure, both at
19 home and at strategically selected public places, as one of the most
20 significant opportunities for, and barriers to, advancing the
21 deployment and use of EVs in New Jersey.

22 The development of an electric vehicle charging infrastructure is
23 a critical step in creating jobs, fostering economic growth, reducing
24 greenhouse gas emissions, reducing our reliance on foreign fuels,
25 and reducing pollution attributable to the operation of petroleum-
26 based vehicles. Limited driving distance between battery charges is
27 a fundamental disadvantage and obstacle to broad consumer
28 adoption of vehicles powered by electricity. In order to eliminate
29 this fundamental disadvantage and dramatically increase consumer
30 acceptance and usage of electric vehicles, it is essential that a
31 network of convenient electric vehicle charging opportunities be
32 developed.

33 Although most EV charging occurs at home, followed by
34 charging at work, drivers still rely on publicly available charging to
35 complete trips beyond the immediate areas surrounding their home
36 or workplace. According to the U.S. Department of Energy Clean
37 Cities program, even if public charging equipment is only used
38 infrequently, the presence and visibility of public charging
39 increases the confidence of consumers in EV technology.

40 This bill will further the goal of improving and expanding the
41 State's EV charging infrastructure by encouraging each
42 municipality, at the time of the reexamination of its master plan,
43 pursuant to the "Municipal Land Use Law," to identify existing
44 sites of public EV charging infrastructure, and propose locations for
45 future development of public EV charging infrastructure. Including
46 EV charging infrastructure in a municipality's master plan can set
47 the stage for taking significant actions to help promote EV
48 readiness. Once EV charging infrastructure is incorporated into a

1 municipal master plan, addressing EVs in the zoning ordinance can
2 help ensure that communities become EV ready. Including policies
3 and strategies in a general plan is a useful first step in building
4 consensus among policymakers and the public in support of more
5 specific implementation measures.

6 The bill also amends the "Local Redevelopment and Housing
7 Law" to provide that the development of public electric vehicle
8 charging infrastructure in appropriate locations be considered for
9 inclusion in local redevelopment plans.